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UNITED STATES OF AMERICA

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TWITTER, INC., a corporation,

Defendant.

Case No. 3:22-cv-3070-TSH

**DECLARATION OF ZACHARY L.
COWAN IN SUPPORT OF THE
STIPULATED REQUEST FOR ORDER
EXTENDING BRIEFING DEADLINES
ON X CORP.'S MOTION FOR
PROTECTIVE ORDER & RELIEF
FROM CONSENT ORDER**

1 I, Zachary L. Cowan, declare as follows:

2 1. I am a Trial Attorney at the Consumer Protection Branch of the United States Department
3 of Justice. I submit this declaration in support of the parties' Stipulated Request for Order Extending
4 Briefing Deadlines on X Corp.'s Motion for Protective Order & Relief from Consent Order. The matters
5 in this declaration are based on my personal knowledge and my review of the filings in this case.

6 2. On May 25, 2022, the United States of America filed the Complaint in this action, which
7 alleged that Defendant Twitter, Inc. had violated a 2011 Federal Trade Commission ("FTC")
8 administrative order and the FTC Act by misrepresenting the extent to which Twitter maintained and
9 protected the privacy of nonpublic consumer information.

10 3. On May 26, 2022, the Court entered a Stipulated Order for Civil Penalty, Monetary
11 Judgment, and Injunctive Relief ("Stipulated Order") to resolve the claims for civil penalties and
12 injunctive relief set forth in the Complaint.

13 4. On July 13, 2023, X Corp., successor in interest to Defendant Twitter, Inc. ("X Corp."),
14 filed a motion to terminate, modify, or stay enforcement of the Stipulated Order, and for a protective order
15 staying the Notice of Deposition of Elon Musk issued by the FTC. The United States Department of Justice
16 did not have an opportunity to meet and confer with counsel for X. Corp. prior to the filing of the X.
17 Corp.'s Motion. Under Local Rule 7-3, the United States' opposition to that motion is due by July 27,
18 2023, and X Corp.'s reply is due by August 3, 2023.

19 5. The parties have since conferred regarding these deadlines and agree that additional time
20 would be appropriate to enable thorough briefing of the issues raised by X Corp.'s motion.

21 6. Pursuant to that agreement, the parties stipulate and jointly request that: (1) the United
22 States' deadline to file an opposition to X Corp.'s motion be extended to September 11, 2023 (60 days
23 from X Corp.'s motion); (2) X Corp.'s deadline to file a reply be extended to October 11, 2023 (30 days
24 from the United States' opposition); and (3) the Court hear X. Corp's Motion at a time that is convenient
25 for the Court thereafter. Counsel for the FTC have further agreed that the FTC will await the Court's
26 decision on X Corp's motion before taking Mr. Musk's deposition or taking further administrative action
27 under the Stipulated Order or the FTC administrative order.

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DECLARATION OF ZACHARY L. COWAN
Case No. 3:22-cv-3070-TSH

/s/ Zachary L. Cowan
ZACHARY L. COWAN
Trial Attorney